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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,972	03/31/2000	Boris S. Elman	99-837	2133

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/539,972

Applicant(s)

ELMAN ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1, 3-8, 16-18, are pending in this examination.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. (USPN 6,532,241) (hereinafter Ferguson) in view of Andersson et al. (USPN 6,163,544) (hereinafter Andersson).

2. Referring to claim 1, Ferguson discloses a method of customer centric network management comprising the steps, performed by a processor, of:

receiving identification data (i.e. IP address, Physical Unit name, MAC address, etc.) corresponding to a customer (a customer's session) in a network (e.g. abstract);

accessing a database for one or more customer records (i.e. user sessions) corresponding to the customer identification data (SNA PU/LU name, IP address MAC address, etc.) (e.g. abstract; col. 11, lines 42-57);

receiving selection information identifying a selected one of the one or more customer records, wherein the selected customer record corresponds to the customer (Figure 8, and pertinent portions of the disclosure); and

providing actual circuit path information (i.e. user session information, such as seen in Figure 8) corresponding to a customer service based on the selected customer record, wherein the actual circuit path information is used to generate a graphical representation of heterogeneous network components supporting a specific service for the customer (Ferguson discloses that the invention is an example is shown by Cisco Works Blue SNA View product, which provides a view of a data session from the physical unit through the network environment to the host) (col. 11, lines 25-45).

Ferguson does not specifically state that the database accessed is a generic information model database. In analogous art, Andersson discloses another method of customer centric network management wherein the data is stored using a generic information model database. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ferguson with Andersson to allow for reduced complexity of the system while allowing for the ease of future upgrades or replacements.

3. Claim 3 is rejected for similar reasons as stated above. Furthermore Ferguson discloses populating a permanent database with network component information (col. 12, lines 21-36).

4. Claims 4-8, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Andersson as stated above, and furthermore in view of Ahearn et al. (USPN 5,926,463) (hereinafter Ahearn).

5. Referring to claim 4, Ferguson in view of Andersson disclose the invention substantively as described in claim 3. Ferguson in view of Andersson do not specifically disclose the specific steps of sending component information to a management system, retrieving the network component information from the management system, and storing the component information in the database. In analogous art, Ahearn discloses another method of customer centric network management which sends component access information to an element management system (network manager), the element management system retrieving network component information from at least one component in the network (col. 16, line 36 to col. 17, line 33);

retrieving the network component information from the element management system (col. 16, line 36 to col. 17, line 33); and

storing the network component information in the permanent database (col. 16, line 36 to col. 17, line 33).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ahearn with Ferguson and Andersson in order to combine different types of status information into a single, easy to read, view, thereby decreasing complexity and increasing the amount of data which can be simultaneously displayed, as supported by Ahearn (col. 3, lines 23-24).

6. Referring to claim 5, Ferguson in view of Andersson disclose the invention substantively as described in claim 3. Ferguson in view of Andersson do not specifically

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disclose updating the database based on an automatic event. Ahearn discloses updating the permanent database based on an automatic event (periodic polling) (col. 8, lines 15-24; col. 16, lines 36-48). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ahearn with Ferguson and Andersson in order to combine different types of status information into a single, easy to read, view, thereby decreasing complexity and increasing the amount of data which can be simultaneously displayed, as supported by Ahearn (col. 3, lines 23-24).

7. Referring to claim 6, Ferguson in view of Andersson disclose the invention substantively as described in claim 3. Ferguson in view of Andersson do not specifically disclose updating the database based on a manual event. Ahearn discloses updating the permanent database based on a manual event (poll on demand) (col. 8, lines 15-24). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ahearn with Ferguson and Andersson in order to combine different types of status information into a single, easy to read, view, thereby decreasing complexity and increasing the amount of data which can be simultaneously displayed, as supported by Ahearn (col. 3, lines 23-24).

8. Referring to claims 7 and 8, Ferguson in view of Andersson in view of Ahearn discloses a method for network monitoring as stated in the claims above. Ferguson in view of Andersson in view of Ahearn does not disclose storing the new network component information in a temporary database, comparing the temporary and

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permanent databases, and modifying the permanent database according to comparison rules. However it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art to modify the system of Ahearn, Andersson and Ferguson to provide for a temporary database and modifying the permanent database according to comparison rules to avoid the unnecessarily caveat of modifying the database, which is time consuming in a computer environment, to change a value which has been modified, which when viewed on the network level, is insignificant to the big picture.

9. Claims 17 and 18 are rejected for similar reasons as stated above.

### ***Response to Arguments***

10. Applicant's arguments filed August 6, 2004 have been fully considered but they are not persuasive.

11. In the remarks, Applicant argues, in substance, that (1) Ferguson is limited in scope to monitoring customers at specific machines at specific locations, whereas the claimed invention tracks customers wherever they are located, such as, if they change machines, and (2) the Examiner's motivation is not supported by either reference since it is not always simpler to designate to a generic database rather than a specifically-designated one.

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12. As to point (1), it is noted that the features upon which applicant relies (i.e., tracking customers wherever they are located if they change machines) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. As to point (2), the Office recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Andersson discloses that it would be better to provide a method of handling resources allowing for the reuse of software, while using a standardized information model which describes the resources in a uniform way (col. 3, lines 15-29). One skilled in the art would know that efficiently reusing software is a key in developing database systems, since developing technology specific software will be obsolete as soon as the technology is obsolete. Therefore if a generic information model is utilized, then the software can be reused. By this rationale, it would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ferguson with Andersson to allow for reduced complexity of the system while allowing for the ease of future upgrades or replacements.



### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA  
October 7, 2004



BUNJOR JAROENCHONWATT  
PRIMARY EXAMINER